

Notice of Allowability

Application No.

09/942,304

Applicant(s)

DE SYLVA, ROBERT

Examiner

Matthew O. Savage

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3-24-05.
2. ☒ The allowed claim(s) is/are 1-15, 21, and 22 renumbered 1-17, respectively.
3. ☒ The drawings filed on 8-30-01, 6-15-04, and 3-24-05 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s).

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

The substitute specification filed on 3-24-05 has been entered.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

On line 1 of claim 1, "(previously amended)" has been changed to -- (previously presented) --.

On line 1 of claim 3, "(reinstated original, previously withdrawn)" has been changed to -- (withdrawn) --.

On line 1 of claim 5, "(reinstated, previously withdrawn, currently amended)" has been changed to -- (withdrawn, currently amended) --.

On line 1 of claim 6, "(reinstated, previously withdrawn, currently amended)" has been changed to -- (withdrawn, currently amended) --.

On line 1 of claim 7, "(previously amended)" has been changed to -- (previously presented) --.

On line 1 of claim 12, "(previously amended)" has been changed to -- (previously presented) --.

On line 1 of claim 21, "(previously added)" has been changed to -- (previously presented) --.

On line 1 of claim 22, "(original)" has been changed to --(previously presented)--.

The first paragraph of the substitute specification has been amended as follows:

-- This invention relates to fluid cleaning systems. Specifically, the present invention relates to devices for cleaning or recycling fluid, such as engine oil. This is a continuation-in-part of U.S. Patent Application Serial No. 08/826,727, filed April 7, 1997, now U.S. Patent 6,368,497. --.

The terminal disclaimer filed on 3-1-05 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent 6,358,497 has been reviewed and is accepted. The terminal disclaimer has been recorded.

The declaration filed on 1-19-05 under 37 CFR 1.131 taken in combination with the supplemental declaration filed on 3-24-05 is sufficient to overcome the Lowry reference.

The following is an examiner's statement of reasons for allowance:

None of the prior art references of record teaches or suggests the "first means" recited in claims 1, 12, and 15 as defined in the first full paragraph of page 26 of the clean copy of the substitute specification filed on 3-24-05.

Fawcett et al taken in combination with Miller and Christensen et al are considered the closest prior art with respect to instant claim 14. There is no motivation

to combine Fawcett et al with Miller or Christensen et al since Fawcett et al include an evaporation surface on the outer side of a perforated tubular member 1 (see FIG. 4) whereas Miller and Christensen et al include evaporation surfaces on inner sides of imperforate tubular members (see element 6 in FIG. 2 of Miller and element 31 in FIG. 4 of Christensen et al).

None of the prior art references of record teaches or suggests the “means for expanding” as recited in claim 21 as defined in the third full paragraph of page 27 of the clean copy of the substitute specification filed on 3-24-05.

None of the prior art references teaches or suggests the “second means” recited in claim 22 as defined in the fourth full paragraph of page 27 of the clean copy of the substitute specification filed on 3-24-05.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O. Savage whose telephone number is (571) 272-1146. The examiner can normally be reached on Monday-Friday, 7:00am-3:30pm.

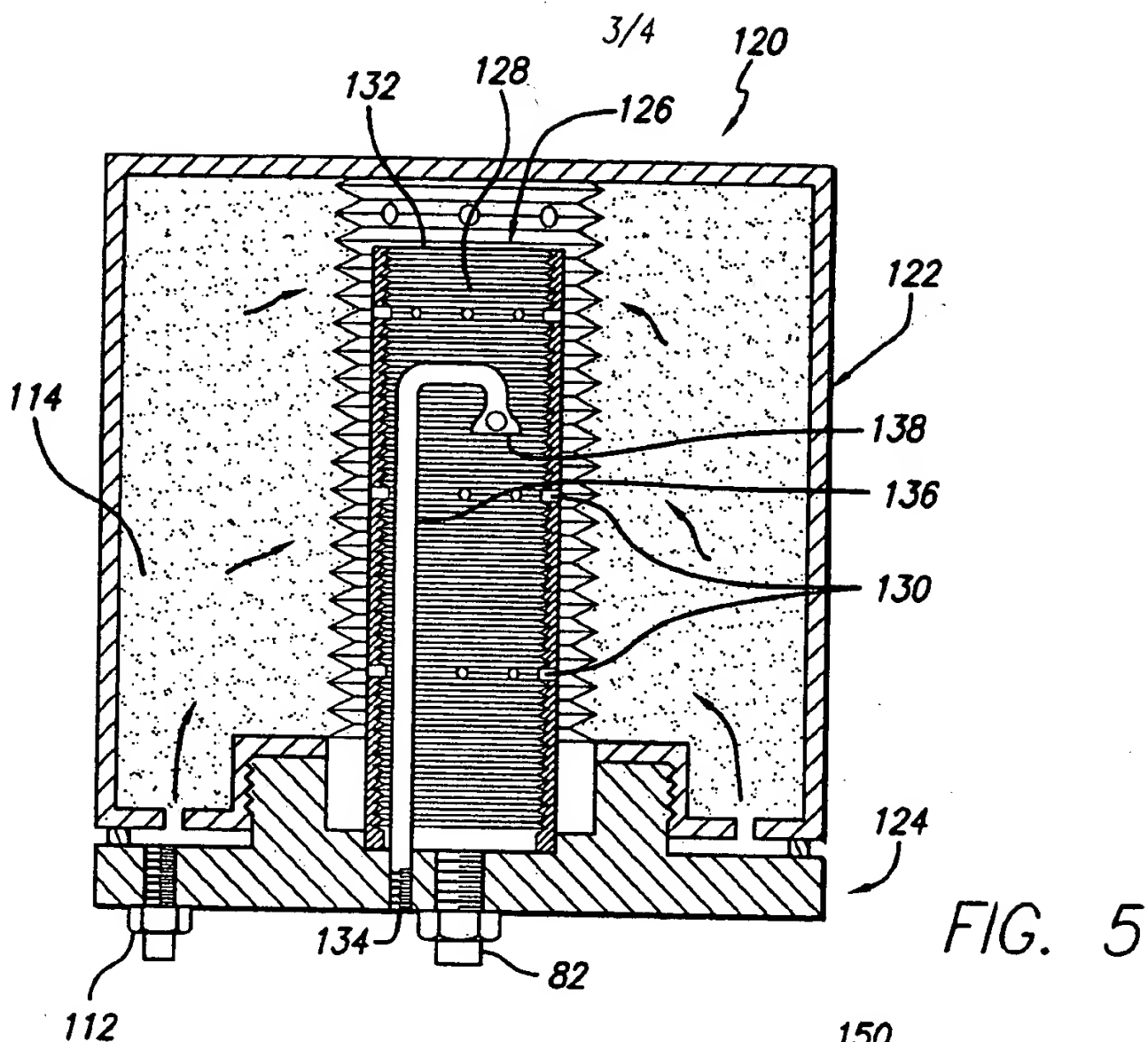
If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Matthew O Savage
Primary Examiner
Art Unit 1724

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May 17, 2005



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